

1 **UNITED STATES DISTRICT COURT**  
2 **DISTRICT OF NEVADA**

3 COLTON BRANTANO,

4 Plaintiff

5 v.

6 DANIA BATISTE, et. al.

7 Defendants

Case No.: 3:21-cv-00190-MMD-WGC

**Report & Recommendation of  
United States Magistrate Judge**

9 This Report and Recommendation is made to the Honorable Miranda M. Du, United  
10 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28  
11 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12 Plaintiff is an inmate within the Nevada Department of Corrections (NDOC), housed at  
13 Ely State Prison (ESP). He filed an application to proceed *in forma pauperis* (IFP) for an inmate  
14 and pro se civil rights complaint. (ECF Nos. 1, 1-1.) The IFP application was not accompanied  
15 by the required certified copy of his trust fund account statement for the six-month period  
16 preceding the filing of the complaint and financial certificate.

17 The court issued an order on August 9, 2021, directing the Clerk to send Plaintiff the  
18 instructions and forms for seeking IFP status for an inmate, and gave Plaintiff 30 days to file his  
19 certified trust fund account statement and financial certificate or pay the full filing fee. The court  
20 cautioned Plaintiff that if he failed to do so, his action would be dismissed. (ECF No. 3.)

21 To date, Plaintiff has not filed his certified trust fund account statement and financial  
22 certificate or paid the full filing fee. Therefore, it is recommended that this action be dismissed  
23 without prejudice, and that the case be administratively closed.

**IV. RECOMMENDATION**


IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING** this action **WITHOUT PREJUDICE** and administratively closing this case.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled “Objections to Magistrate Judge’s Report and Recommendation” and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: September 16, 2021

  
William G. Cobb  
United States Magistrate Judge